THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.14271 of 2007

Dated 05-07-2007

Between:

Smt. K. Jayaprabha

…Petitioner

And

Government of A.P.,
Rep. by its Secretary and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.14271 of 2007

ORDER:

The petitioner was appointed as Additional Public Prosecutor in the Court of II Additional District and Sessions Judge-cum-Metropolitan Sessions Judge, Vijayawada, through orders in G.O.Rt.No.49, dated 18-01-2000, for a period of three years.

A clause was incorporated to the effect that she shall continue in office till the next incumbent assumes charge. Petitioner states that her name has been forwarded for appointment for the next term also. The 1st respondent issued G.O.Rt.No.1039, Law Department, dated 28-06-2007, through which, 21 Additional Public Prosecutors, were posted to various Courts. The 2nd respondent herein was posted to the Court of II Additional Metropolitan Sessions Judge. The petitioner challenges the said G.O., in so far as it relates to the posting of the 2nd respondent.

Sri M. Adinarayana Raju, learned counsel for the petitioner submits that the case of the petitioner, for being appointed for another term, is under consideration, and though there are several vacancies, within the Krishna District, the 2nd respondent is posted in the place of the petitioner. He further contends that the petitioner is now functioning in the Court of II Additional District and Sessions Judge-cum-Metropolitan Sessions Judge, Vijayawada, whereas the posting of the 2nd respondent is to the Court of II Additional Metropolitan Sessions Judge.

Learned Government Pleader for Home, on the other hand, submits that the posting of Additional Public Prosecutors to different Courts is to ensure proper functioning of the Courts, and once the term of the petitioner had expired, she cannot insist on being continued.

It is not in dispute that the term, for which the petitioner has been appointed as Additional Public Prosecutor, had expired.

In fact, she continued, almost, for a period of four years, after the expiry of the term. On account of the clause, contained in the order of appointment, that she shall be entitled to continue till the next incumbent is appointed; she remained in the office.

The 1st respondent ordered posting of several Additional Public Prosecutors to the various Courts in the State. One such posting is the 2nd respondent, who is an Additional Public Prosecutor, Grade-I in category-IV, under the A.P. Prosecution Service Rules, 1992. The discrepancy, as to description of the Court, to which the 2nd respondent is posted, does not appear to be material.

Learned counsel for the petitioner is not able to point out any irregularity in the posting of the 2nd respondent. Further, the fact that the case of the petitioner is under consideration,
for appointment for a further term, cannot, by itself, constitute a ground to interfere with the impugned order.

The writ petition is accordingly dismissed. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.05-07-2007

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